

REMARKS

Prior to entry of this Amendment, Claims 1-10 are pending in the application. The Examiner has rejected Claims 1 and 3 under 35 U.S.C. §102(e) as being anticipated by Nonami (U.S. Patent 6,647,258). The Examiner has rejected Claims 2 and 4-10 under 35 U.S.C. §103(a) as being unpatentable over Nonami in view of Moran (U.S. Patent App. Pub. 2002/0073142).

Please cancel Claims 1-3 without prejudice.

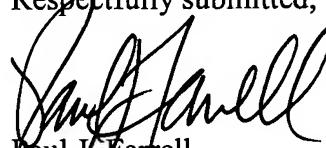
On December 19, 2005 a telephonic interview was conducted between the Applicant's representative, Michael J. Musella, and the Examiner to discuss the application. A careful explanation was made to the Examiner that one aspect of the present invention is to overcome the problem in the prior art of requiring a user to reenter information, originally used to attempt a telephone call, to send a message. A more complete understanding of the operation of the present invention was achieved. It is also gratefully acknowledged that the Examiner is willing to consider removal of the final marking of the Office Action.

Regarding independent Claims 4 and 8, the Examiner states that the claims are obvious over Nonami in view of Moran. Moran discloses a messaging system and method, which requires a user to first determine if a feature key is pressed and then enter a directory number. During the above mentioned interview, it was apparent that the Examiner was separately analyzing each element of the claim, instead of reading the claim as a whole. It was explained to the Examiner that each of Claims 4 and 8 recite that at least the predetermined message is sent to the counterpart mobile terminal when the one-touch call button is pressed, and that the message is sent without the need to reenter the telephone number of the counterpart mobile terminal. In the combination of Nonami and Moran, if a call is not established and a message is to be sent to the called mobile terminal, the telephone number (or other identification of the called terminal) would need to be reentered after attempting the call and before sending the message. Based on at least the foregoing, withdrawal of the rejection to independent Claims 4 and 8 is respectfully requested.

Independent Claims 4 and 8 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 5-7, 9 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 5-7, 9 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 4-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr